

S.R. 547 - By Senator Clower: Extending corgratulations to Ms. Ruby R. Moorehead.

S.R. 550 - By Senator Doggett: Designating May 17 as Page Day.

ADJOURNMENT

On motion of Senator Aikin the Senate at 2:55 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(May 13, 1975)

S.C.R. 70

S.B. 289

S.B. 59

SEVENTY-THIRD DAY

(Wednesday, May 14, 1975)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mendgen, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

A quorum was announced present.

The Reverend Jerry Jay Smith, Northwest Hills Methodist Church, Austin, Texas, offered the invocation as follows:

O Father, we bring to You the task of this day - above all being the men and women we should be. Grant us zeal to live and work where and as we should. O God, let us remind ourselves of the others for whom we must give our lives. We pray for those who do not have the power to protect their own lives. We pray for everyone who must learn a concern for humanity. We pray for those who must live and die hungry. We pray for those who must learn a just use of power. We pray for those who cannot escape ignorance. We pray for those who cannot earn a living. We pray for a structure in society that will enable every person to belong somewhere. We pray for justice and mercy, may they come beginning with our giving of ourselves to humanity. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on the motion of Senator Moore.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 865
H.B. 188
C.S.S.B. 992 (Read first time)
S.B. 1088
S.B. 995
S.B. 1067 (Amended)
S.B. 1090
C.S.S.B. 1072 (Read first time)
S.B. 1080
S.B. 1044 (Amended)
C.S.S.B. 1022 (Read first time)
C.S.S.B. 1023 (Read first time)
S.B. 1068 (Amended)
S.B. 1089
H.B. 2209

Senator Adams submitted the following reports for the Committee on Administration:

H.C.R. 130
S.R. 509

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

H.B. 2122

H.B. 707

H.B. 920

To be Members of the Texas Civil Judicial Council: T. C. Chadick, Bill Ward, Joe Ned Dean, Charles Griggs, John L. McGraw.

To be a Member of the State Judicial Qualifications Commission: E. Carl Dillard.

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 748 (Amended)

C.S.H.B. 1535 (Read first time)

S.B. 52 (Amended)

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 1098

C.S.S.B. 449 (Read first time)

H.B. 1938

H.B. 630

SENATE BILL 52 ORDERED NOT PRINTED

On motion of Senator Aikin and by unanimous consent, **S.B. 52** was ordered not printed.

SENATE CONCURRENT RESOLUTION 76

Senator Brooks offered the following resolution:

S.C.R. 76, Authorizing and requesting Coastal Industrial Water Authority to conduct a comprehensive study of long-term water resource needs for Texas Gulf Coast region and to report its findings to 65th Legislature.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
May 14, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Battleship Texas Commission: For a six-year term to expire May 1, 1979: Mr. T. C. Selman of Freeport, Brazoria County is replacing Mr. Lloyd J. Gregory of Houston, Harris County who resigned.

For a six-year term to expire May 1, 1981: Mr. Joe L. Matthews of Fort Worth, Tarrant County is replacing Mr. Richard C. Gusman of Bay City, Matagorda County whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1219 ADOPTED

Senator Creighton called from the President's table the Conference Committee Report on **H.B. 1219**. (The Conference Committee Report having been filed with the Senate and read on yesterday.)

On motion of Senator Creighton and by unanimous consent, Joint Rule 36 was suspended as it applies to **H.B. 1219**.

On motion of Senator Creighton, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracger and Williams.

Absent: Moore.

Absent-excused: McKnight.

SENATE BILL 231 WITH HOUSE AMENDMENT

Senator Adams called **S.B. 231** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend **S.B. 231** by Adams, by deleting the word "and" after the word "State" and before the word "before" on line 14, page 1, and substituting the word "or" in lieu

thereof.

The House amendment was read.

Senator Adams moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: McKnight.

SENATE BILL 459 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 459** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend **S.B. 459** on lines 17, 18, 19 and 20 by striking the words "For purposes of determining the compensation due and expenses to be provided to the Criminal District Attorney of Deaf Smith County, the criminal district attorney shall be classified as a multicounty district attorney.".

The House amendment was read.

Senator Sherman moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: McKnight.

SENATE BILL 685 WITH HOUSE AMENDMENT

Senator McKinnon called **S.B. 685** from the President's table for consideration

of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 685, First Printing, as follows:

(1) In Section 2, Subdivision (3), page 2, line 18, strike the phrase "to correlative rights," and insert in lieu thereof the phrase "to protection of correlative rights,".

(2) In Section 4, Subsection (b), page 4, line 19, strike Subdivision (4) and insert in lieu thereof the following: "(4) protection of correlative rights against infringement resulting from the exploration, development, and production of geothermal energy and associated resources.".

(3) In Section 5, Subsection (a), page 4, line 25, after the phrase "Permanent School Fund of Texas, excluding wildlife refuges and recreational areas" strike the semi-colon and insert "except as provided in Subsection (e) of this section;".

(4) In Section 5, Subsection (e), page 6, line 12, strike the word "legislation" and insert in lieu thereof the word "section".

(5) In Section 5, Subsection (g), page 6, line 22, after the phrase "lands governed" insert "by this section".

The House amendment was read.

Senator McKinnon moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: McKnight.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 409 ADOPTED

Senator Mauzy called from the President's table the Conference Committee Report on H.B. 409. (The Conference Committee Report having been filed with the Senate and read on yesterday.)

On motion of Senator Mauzy, the Conference Committee Report was adopted.

SENATE BILL 868 WITH HOUSE AMENDMENT

Senator Traeger called S.B. 868 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

AMENDMENT NO. 1

Amend **S.B. 868** as follows:

(1) Strike Subdivision (5), Subsection (a) of quoted Section 50.024 and substitute the following:

~~"(5) he is [or has been within the last two years immediately preceding his election or appointment to the board]:~~

~~"(A) a party to a contract with or along with the district except for the purchase of public services furnished by the district to the public generally, or~~

~~"(B) a party to a contract with or along with a developer of property in the district relating to the district or to property within the district, other than a contract limited solely to the purpose of purchasing or conveying real property in the district for the purpose of either establishing a permanent residence or establishing a commercial business within the district."~~

(2) Strike Subdivision (5), Subsection (a) of quoted Section 51.0721 and substitute the following:

~~"(5) he is [or has been within the last two years immediately preceding his election or appointment to the board]:~~

~~"(A) a party to a contract with or along with the district except for the purchase of public services furnished by the district to the public generally, or~~

~~"(B) a party to a contract with or along with a developer of property in the district relating to the district or to property within the district, other than a contract limited solely to the purpose of purchasing or conveying real property in the district for the purpose of either establishing a permanent residence or establishing a commercial business within the district."~~

(3) Strike Subdivision (5), Subsection (a) of quoted Section 53.0631 and substitute the following:

~~"(5) he is [or has been within the last two years immediately preceding his election or appointment to the board]:~~

~~"(A) a party to a contract with or along with the district except for the purchase of public services furnished by the district to the public generally, or~~

~~"(B) a party to a contract with or along with a developer of property in the district relating to the district or to property within the district, other than a contract limited solely to the purpose of purchasing or conveying real property in the district for the purpose of either establishing a permanent residence or establishing a commercial business within the district."~~

(4) Strike Subdivision (5), Subsection (a) of quoted Section 54.1021 and substitute the following:

~~"(5) he is [or has been within the last two years immediately preceding his election or appointment to the board]:~~

~~"(A) a party to a contract with or along with the district except for the purchase of public services furnished by the district to the public generally, or~~

~~"(B) a party to a contract with or along with a developer of property in the district relating to the district or to property within the district, other than a contract limited solely to the purpose of purchasing or conveying real property in the district for the purpose of either establishing a permanent residence or establishing a commercial~~

business within the district.”

The House amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

SENATE BILL 699 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 699** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend **S.B. 699**, Official House Printing, by deleting on line 23, page 2, the words "not less than \$100 per month and".

The House amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 14, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House reconsidered the vote by which Senate Bill 996 passed on 5-12-75. **S.B. 996**, as amended, finally passed by record vote of 122 yeas, 0 nays, 7 present-not

voting.

The House concurred in Senate amendments to **H.B. 2164** by record vote of 128 ayes, 4 nays, 1 present-not voting.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILL 1738 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1738, A bill to be entitled An Act relating to the authority of the attorney general to defend district judges in certain law suits; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1738 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1738** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1570 REREFERRED

On motion of Senator Ogg and by unanimous consent, **H.B. 1570** was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Intergovernmental Relations.

CONFERENCE COMMITTEE ON HOUSE BILL 398

Senator Ogg called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 398** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ogg, Gammage, Brooks, Longoria and McKinnon.

HOUSE BILL 207 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 207, A bill to be entitled An Act relating to the procedure for objecting to the court's charge to the jury; amending Article 36.14, Code of Criminal Procedure, 1965; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 207 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 207** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1330 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1330, A bill to be entitled An Act relating to the indemnification of directors, officers, and employees of state banks; amending Article 10, Subchapter IV, Texas Banking Code of 1943 (Article 342-410, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Clower asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1330 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1330** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Clower.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1105 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1105, A bill to be entitled An Act creating a time limitation within which certain actions must be brought against any person performing or furnishing construction or repair of an improvement to real property; amending Chapter 418, Acts of the 61st Legislature, Regular Session, 1969 (Article 5536a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1105 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILLS POSTPONED

On motion of Senator Adams and by unanimous consent, consideration of the remaining House Bills on the Calendar was postponed until tomorrow.

COMMITTEE SUBSTITUTE SENATE BILL 880 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 880, A bill to be entitled An Act relating to the operation and regulation of the business of title insurance; amending Article 9.01, Insurance Code, as amended; amending Article 9.02, Insurance Code, as amended; amending Article 9.06, Insurance Code, as amended; amending Article 9.07, Insurance Code, as amended; amending Article 9.09, Insurance Code, as amended; amending Article 9.11, Insurance Code, as amended; amending Article 9.13, Insurance Code, as amended; amending Article 9.14, Insurance Code, as amended; amending Article 9.15, Insurance Code, as amended; amending Article 9.19, Insurance Code, as amended; amending Article 9.25, Insurance Code, as amended; amending Article 9.30, Insurance Code, as amended; adding Article 9.48, Insurance Code, as amended; adding Article 9.49, Insurance Code, as amended; adding Article 9.50, Insurance Code, as amended; adding Article 9.51, Insurance Code, as amended; adding Article 9.52, Insurance Code, as amended; adding Article 9.53, Insurance Code, as amended; adding Article 9.54, Insurance Code, as amended; adding Article 9.55, Insurance Code, as amended; adding Article 9.56, Insurance Code, as amended; amending Article 9.40, Insurance Code, as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 880 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 880** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiestehan, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braeckleir, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

S.B. 179	S.E. 498
S.B. 208	S.E. 547
S.B. 273	S.E. 553
S.B. 283	S.E. 587
S.B. 326	S.E. 604
S.B. 327	S.E. 608
S.B. 329	S.E. 717
S.B. 363	S.E. 724
S.B. 374	S.E. 728
S.B. 444	S.E. 751
S.B. 455	S.E. 789
S.B. 456	S.E. 1041
S.B. 471	H.E. 552
H.B. 679	

SENATE BILL 5 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 5, A bill to be entitled An Act relating to licensing requirements applicable to certain individuals and business entities engaged in the business of installing and servicing certain alarm and fire extinguisher systems; amending Subsection (b), Section 17, Chapter 610, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(29bb) Vernon's Texas Civil Statutes); amending Subsections (a) and (b), Section 4, Article 5.43-1, Insurance Code; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES:

Senators Braecklein, Brooks and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 5 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Doggett and Snelson.

Absent: McKinnon.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Braecklein, Brooks and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO RECONSIDER VOTE BY WHICH HOUSE BILL 276 FAILED TO PASS CALLED FROM JOURNAL

Senator Moore moved to call from the Journal the motion to reconsider the vote by which **H.B. 276** failed to pass.

The motion prevailed.

Senator Moore moved to reconsider the vote by which **H.B. 276** failed to pass on Thursday, May 8.

The motion prevailed.

Question - Shall **H.B. 276** be finally passed?

Senator Ogg offered the following amendment to the bill:

Amend **H.B. 276** as follows:

(1) amend Subdivisions (3) and (4) of quoted Subsection (a), Section 1.07, Family Code, in Section 2 of **H.B. 276**, to read as follows:

"(3) either applicant is under 16 years of age and has not received a court order under Section 1.53 of this code; ~~[the waiver of age requirements has not been ordered under the provisions of Section 1.51(e) of this code]~~

"(4) either applicant is 16 years of age or older but under 18 years of age and has received neither parental consent nor a court order under Section 1.53 of this code";

(2) strike Section 4 of the bill and renumber the subsequent sections appropriately;

(3) in quoted Subsections (a) and (b) of Section 2.41 (Section 7 of the engrossed bill) strike "14 [16]" and "14th [16th]" wherever found and substitute "16" or "16th" as applicable; and

(4) in quoted Subsection (b) of new Section 3.35, Family Code (Section 8 of the engrossed bill), strike "Section 11.05" and substitute "Section 11.051".

The amendment was read.

(Senator McKinnon in Chair)

Senator Creighton moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Aikin, Braecklein, Jones, Mauzy, Ogg and Snelson.

Absent-excused: McKnight.

The bill was then finally passed.

RECORD OF VOTES:

Senators Mauzy, Aikin, Sherman, Braecklein, Snelson, Ogg, Traeger, Williams, Moore, Kothmann, Longoria, Patman, Clower and Lombardino asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1036 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1036, A bill to be entitled An Act amending Title 63, Revised Civil Statutes of Texas; providing that the provisions of Title 63 shall not apply to construction in any city or town which has adopted a nationally recognized model building code; providing that construction completed in accordance with the nationally recognized model building code shall be deemed to comply with Title 63; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **S.B. 1036** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Aikin, Clower, Gammage, Harrington, Longoria, Mauzy, Patman and Snelson.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Harris offered the following Committee Amendment to the bill:

Amend S.B. 1036, as introduced, by striking therefrom the word "affect" where it appears in Section 1 of the bill and substituting in lieu thereof the word "effect".

The Committee Amendment was read and was adopted.

Senator Harris offered the following Committee Amendment to the bill:

Amend S.B. 1036 by adding a new Section 3 to read as follows:

"Sec. 3. Notwithstanding Sections 1 and 2, any city may enact additional standards that are not in conflict with the provisions of this Act."
and renumber the following sections accordingly.

The Committee Amendment was read and was adopted.

Senator Harris offered the following Committee Amendment to the bill:

Amend S.B. 1036 by adding in Section 1 after the word "construction" the following:

"if such code in effect in any city or town provides for at least one fireproof means of escape for each square footage area equivalent to or less than provided in the present Title 63, 'Fire Escapes', Article 3955-3972" and by adding the same as above after the word "Title 63" as it appears at the end of Section 2.

The Committee Amendment was read.

Senator Harris offered the following substitute for the Committee Amendment:

Amend S.B. 1036 by adding to Section 1 after the word "construction," the following:

"if such building code in effect in any city or town requires at least one or more one-hour fire-resistive means of escape having a total width equivalent to or greater than the total exit width required by the present Title 63, 'Fire Escapes,' Article 3955-3972, Texas Revised Civil Statutes, 'in all structures of three or more stories'."

and by adding the same as above after the word "Title 63" as it appears at the end of Section 2.

The substitute for the Committee Amendment was read.

Senator Clower moved to table the substitute for the Committee Amendment.

The motion to table was lost by the following vote: Yeas 8, Nays 22.

Yeas: Clower, Doggett, Gammage, Harrington, Longoria, Mauzy, Patman and Schwartz.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

Question recurring on the adoption of the substitute for the Committee Amendment, the substitute was adopted.

RECORD OF VOTES

Senators Clower and Mauzy asked to be recorded as voting "Nay" on the adoption of the substitute for the Committee Amendment.

The Committee Amendment as substituted was then adopted.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Traeger and Williams.

Nays: Aikin, Clower, Gammage, Harrington, Longoria, Mauzy, Patman, Sherman and Snelson.

Absent-excused: McKnight.

VOTE ON ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL 409 RECONSIDERED

On motion of Senator Mauzy and by unanimous consent, the vote by which the Senate adopted the Conference Committee Report on **H.B. 409** was reconsidered.

Question - Shall the Senate adopt the Conference Committee Report on **H.B. 409**?

(President in the Chair)

CONFERENCE COMMITTEE REPORT ON H.B. 226

Senator Harrington called from the President's table the Conference Committee Report on **H.B. 226**. (The Conference Committee Report having been filed with the Senate and read on May 12, 1975.)

Senator Harrington moved the Conference Committee Report on **H.B. 226** be adopted.

The motion was lost by the following vote: Yeas 15, Nays 15.

Yeas: Aikin, Andujar, Clower, Doggett, Gammage, Hance, Harrington, Harris, Kothmann, Mauzy, McKinnon, Meier, Mengden, Santiesteban and Schwartz.

Nays: Adams, Braecklein, Brooks, Creighton, Farabee, Jones, Lombardino, Longoria, Moore, Ogg, Patman, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President announced he would vote "Nay"

Senator Adams moved to discharge the Conferees on **H.B. 226**.

The motion prevailed.

RECORD OF VOTE

Senator Hance asked to be recorded as voting "Nay" on the motion to discharge the Conferees.

RECESS

On motion of Senator Aikin the Senate at 12:00 o'clock m. took recess until 1:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:30 o'clock p.m. and was called to order by the President.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Andujar:

S.B. 1104, A bill to be entitled An Act amending the Texas Structural Pest Control Act (Article 135b-6, Vernon's Texas Civil Statutes), as follows: amending Section 2, relating to definitions of terms used in the Act; amending Section 4, relating to licensing standards and use regulations promulgated by the structural pest control board; amending Section 5, relating to prohibited acts; amending Section 6, relating to obtaining information for licensing; amending Section 7, relating to licensing, fees, and procedures; adding Section 7A relating to security posted by a license applicant; adding Section 7B, relating to records kept by a licensee; amending Section 8, relating to disposition of fees; amending Subsection (b), Section 9, relating to appeals from board orders; amending Section 10, relating to civil suits that the board through the Attorney General may institute for civil penalties and injunctive relief; adding Section 10A, providing a criminal misdemeanor penalty for certain violations of the Act; amending Section 11, relating to exemptions from the Act; adding Section 11A, relating to authority of the structural pest control board; and declaring an emergency.

To Committee on Natural Resources.

By Senator Jones:

S.B. 1105, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, and financing of Menard County Hospital District of Menard County, Texas by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Patman:

S.B. 1106, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Moulton Hospital District of Lavaca County, Texas, under Article IX, Section 9, of the Texas Constitution; and

declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Hance:

S.B. 1107, A bill to be entitled An Act relating to proof of financial responsibility on registration of a motor vehicle and on application for a driver's license and maintenance of proof of financial responsibility; amending the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Economic Development.

By Senator Hance:

S.B. 1108, A bill to be entitled An Act relating to the powers of certain political subdivisions to regulate the use of land in the vicinity of airports; amending Subdivision (2) of Section 1, adding Subdivisions (8), (9), and (10) to Section 1, amending Section 2, and amending Subsection (1) of Section 3, Airport Zoning Act, as amended (Article 46c-1 et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Aikin:

S.B. 1109, A bill to be entitled An Act amending Article 4413(32c), V.A.C.S., relating to interlocal cooperation; repealing conflicting laws to the extent of any conflict; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Patman and Doggett:

S.B. 1110, A bill to be entitled An Act relating to abolishing the office of county superintendent of schools in Gonzales County; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Creighton:

S.B. 1111, A bill to be entitled An Act authorizing acceptance and conditional use by Texas Woman's University of certain donated property; and declaring an emergency.

To Committee on Administration.

By Senator Lombardino:

S.C.R. 75, Granting Roy T. Aguilar permission to sue the State of Texas.

To Committee on Administration.

By Senator Santiesteban:

S.C.R. 77, Granting Dr. Howard S. Coleman permission to sue the State of Texas.

To Committee on Administration.

By Senator Santiesteban:

S.C.R. 78, Granting Mrs. Rebecca Falkner permission to sue the State of Texas.

To Committee on Administration.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committees indicated:

H.B. 1316, To Committee on Natural Resources.

H.B. 1560, To Committee on Jurisprudence.

H.B. 1561, To Committee on Jurisprudence.

CONFERENCE COMMITTEE ON HOUSE BILL 226

The President asked if there were any motions to instruct the Conference Committee on **H.B. 226** before appointment.

There were no instructions offered.

Accordingly, the President announced the appointment on the part of the Senate on the bill: Senators Harrington, Jones, Williams, Snelson and Adams.

COMMITTEE SUBSTITUTE SENATE BILL 635 ON SECOND READING

The President laid before the Senate as unfinished business **C.S.S.B. 635** with an amendment by Senator Ogg to an amendment by Senator Farabee pending.

Question - Shall the amendment to the amendment be tabled?

Pending discussion by Senator Ogg of the motion to table, Senator Farabee raised the Point of Order that a motion to table is not debatable and that only closing remarks may be made under a motion to table.

The President sustained the Point of Order.

The motion to table prevailed by the following vote: Yeas 17, Nays 10.

Yeas: Aikin, Andujar, Creighton, Farabee, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Mauzy, Ogg and Schwartz.

Absent: Adams, Braecklein and Moore.

Absent-excused: McKnight.

Senator Doggett offered the following amendment to the amendment:

Amend Farabee amendment to **S.B. 635**, Section 7, Subsection (b)(2) by striking the sum "\$500,000" and substituting therefor the following:

"\$750,000, except to the extent that such sum in reasonable probability will be exceeded by medical expenses, services, and the value of custodial care required in the care of the patient."

And further amend Section 9, Subsection (b)(2) by striking the words "four hundred thousand dollars (\$400,000)" and substituting the words "six hundred fifty thousand dollars (\$650,000), except to the extent that such sum in reasonable probability will be exceeded by medical expenses, services and the value of custodial care required in the care of the patient."

The amendment to the amendment was read.

(Senator Jones in the Chair)

Senator Farabee moved to table the amendment to the amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Mauzy, Ogg, Santiesteban, Schwartz and Williams.

Absent-excused: McKnight.

Senator Gammage offered the following amendment to the amendment:

Amend Farabee amendment to **S.B. 635**, Section 7, Subsection (b)(2) by adding the following to the end of said subsection:

" , except to the extent that such sum in reasonable probability will be exceeded by medical expenses, services and the value of custodial care required in the care of the patient."

And further amend Section 9, Subsection (b)(2) by adding the following to the end of said subsection:

" , except to the extent that such sum in reasonable probability will be exceeded by medical expenses, services and the value of custodial care required in the care of the patient."

The amendment to the amendment was read.

Senator Farabee moved to table the amendment to the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Andujar, Farabee, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Mauzy, Ogg, Santiesteban, Schwartz and Williams.

Absent: Creighton.

Absent-excused: McKnight.

Senator Clower offered the following amendment to the amendment:

Amend **S.B. 635**, floor amendment by Farabee, Section 7, Subsection (b)(1) by adding the following to the end of said subsection:

" , provided, however, that such limitations on liability as are contained herein shall not apply to nor be construed to limit the health care provider's liability for acts constituting gross negligence."

And amend Section 7, Subsection (b)(2) by adding the following to the beginning of said subsection:

"Except for such amounts as represent recoveries for gross negligence,".

The amendment to the amendment was read and was adopted.

Senator Ogg offered the following amendment to the amendment:

Amend S.B. 635, floor amendment by Farabee, by striking Sec. 3. CONTRACTS OF CURE TO BE IN WRITING in its entirety and renumber the following sections accordingly.

The amendment was read.

Senator Farabee moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 12.

Yeas: Adams, Aikin, Andujar, Farabee, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Ogg, Santiesteban, Schwartz and Williams.

Absent: Creighton and Harris.

Absent-excused: McKnight.

Senator Gammage offered the following amendment to the amendment:

Amend Farabee amendment to S.B. 635 by adding in a new Section 14 and renumbering the remaining section. The new Section 14 shall read as follows:

"Sec. 14. The commissioner shall forward the name of every health care provider, except a hospital, against whom a judgment is rendered under this article to the appropriate board of professional registration and examination for review of the fitness of the health care provider to practice his profession. In each case involving review of a health care provider's fitness to practice under this article, the board shall have the power, in appropriate cases, to take the following disciplinary action:

- (1) censure;
- (2) imposition of probation for a determinate period;
- (3) suspension of the health care provider's license for a determinate period; or
- (4) revocation of the license.'

The amendment to the amendment was read.

Senator Farabee moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Santiesteban, Schwartz and Williams.

Absent: Ogg.

Absent-excused: McKnight.

Senator Doggett offered the following amendment to the amendment:

Amend S.B. 635, floor amendment by Farabee, by striking Section 8 in its entirety and renumbering subsequent sections accordingly.

The amendment to the amendment was read.

Senator Farabee moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 10.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Hance, Jones, Lombardino, McKinnon, Meier, Mengden, Moore, Putman, Santiesteban, Sherman, Snelson and Traeger.

Nays: Braecklein, Clower, Doggett, Gammage, Harrington, Kothmann, Longoria, Mauzy, Schwartz and Williams.

Absent: Harris and Ogg.

Absent-excused: McKnight.

LEAVE OF ABSENCE

Senator Creighton was granted leave of absence for the remainder of today on account of important business on motion of Senator Moore.

Senator Mauzy offered the following amendment to the amendment:

Amend Senate Bill 635, floor amendment by Farabee, by adding a new and final section, numbered accordingly, to read as follows:

"This Act, Senate Bill 635, will continue in force and effect for a period of two (2) years, from date of effectiveness, at which time it will expire and no longer be of force and effect, for any purpose."

The amendment to the amendment was read.

Senator Farabee moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Farabee, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Santiesteban, Schwartz and Williams.

Absent: Harris and Ogg.

Absent-excused: Creighton and McKnight.

Senator Schwartz offered the following amendment to the amendment:

Amend Farabee Floor Amendment by striking all of Section 13 (i) and substituting the following:

"(i) Any report of the expert opinion reached by the review panel shall not be admissible as evidence in any action subsequently brought by the claimant in a court of law. A panelist shall have absolute immunity from civil liability for all communication, findings, opinion and conclusion made in the course and scope of duties prescribed by this article."

The amendment to the amendment was read and was adopted.

Senator Farabee offered the following amendment to the amendment:

Amend Farabee Floor Amendment to S.B. 635, Section 13(c) (2) by adding a new sentence to read as follows:

"If the two physicians thus selected cannot agree on a third physician panelist, the judge of a court of requisite jurisdiction in the county in which venue would lie, shall appoint a qualified physician panelist to serve."

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the amendment:

Amend Sec. 8 to Farabee Floor Amendment, Subsection (b)(2) by striking the figure (2) and substituting (a).

The amendment was read and was adopted.

The amendment as amended was then adopted by the following vote: Yeas 19, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Farabee, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Mauzy and Schwartz.

Absent: Harris and Ogg.

Absent-excused: Creighton and McKnight.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 19, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Farabee, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Patman, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy and Schwartz.

Absent: Harris and Ogg.

Absent-excused: Creighton and McKnight.

PAIRED VOTE

Senator Santiesteban (present), who would vote "Yea", with Senator Ogg (absent), who would vote "Nay".

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 409

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas
May 14, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 409** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY
GAMMAGE
SCHWARTZ
FARABEE
SHERMAN
On the part of the Senate

RIBAK
SPURLOCK
JOHNSON
DENSON
GILLEY
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**VOTE BY WHICH SENATE CONCURRED IN HOUSE
AMENDMENTS TO SENATE BILL 699 RECONSIDERED**

On motion of Senator Traeger and by unanimous consent the vote by which the Senate concurred in the House amendments to **S.B. 699** was reconsidered.

Question - Shall the Senate concur in the House amendments to **S.B. 699**?

Senator Traeger moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **S.B. 699** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Adams, McKinnon, Andujar and Lombardino.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, May 15, 1975

H.C.R. 52 - Senator Williams
H.B. 42 - Senator Mauzy (Third reading)
H.B. 82 - Senator Mauzy (Third reading)
C.S.H.B. 275 - Senator Meier
H.B. 785 - Senator Moore
H.B. 836 - Senator Ogg
C.S.H.B. 1535 - Senator Creighton
S.R. 509 - Senator Meier
C.S.S.B. 69 - Senator Moore
S.B. 96 - Senator Ogg (Third reading)
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
C.S.S.B. 116 - Senator Mengden
C.S.S.B. 117 - Senator Mengden
S.B. 172 - Senator Mengden
S.B. 196 - Senator Santiesteban (Third reading)
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 343 - Senator Brooks
S.B. 418 - Senator Ogg (Third reading)
S.B. 430 - Senator Mengden
C.S.S.B. 448 - Senator Mauzy
S.B. 496 - Senator Mauzy (Third reading)
S.B. 522 - Senator Santiesteban
C.S.S.B. 526 - Senator Harrington
C.S.S.B. 528 - Senator Traeger
S.B. 549 - Senator Schwartz
C.S.S.B. 557 - Senator Hance
S.B. 581 - Senator Clower
C.S.S.B. 627 - Senator Clower
C.S.S.B. 635 - Senator Farabee (Third reading)
S.B. 656 - Senator Andujar
S.B. 674 - Senator Hance
C.S.S.B. 706 - Senator Mauzy

S.B. 708 - Senator Mauzy
S.B. 710 - Senator Mauzy (Third reading)
S.B. 719 - Senator Mauzy
S.B. 725 - Senator Patman
C.S.S.B. 777 - Senator Mengden
S.B. 779 - Senator Mengden
C.S.S.B. 781 - Senator Mengden
S.B. 812 - Senator Santiesteban
S.B. 842 - Senator Farabee
S.B. 865 - Senator Clower
S.B. 879 - Senator Patman
S.B. 899 - Senator Mauzy
S.B. 905 - Senator Ogg
S.B. 908 - Senator Ogg
C.S.S.B. 916 - Senator Harrington
C.S.S.B. 923 - Senator Moore
C.S.S.B. 939 - Senator Mauzy
C.S.S.B. 955 - Senator Meier
C.S.S.B. 965 - Senator Brooks
C.S.S.B. 980 - Senator Mauzy
S.B. 987 - Senator Ogg
S.B. 995 - Senator Harrington
C.S.S.B. 1034 - Senator Mauzy
S.B. 1036 - Senator Harris (Third reading)
S.B. 1054 - Senator Schwartz
S.B. 1065 - Senator Patman
S.B. 1095 - Senator Moore
S.B. 1098 - Senator Doggett
S.B. 1102 - Senator Moore

MEMORIAL RESOLUTIONS

H.C.R. 73 - Memorial resolution for Bob Armstrong.

S.R. 555 - By Senator Hance: Memorial resolution for C. E. Green.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 115 - Extending congratulations to musical drama "T E X A S".

S.R. 552 - By Senator Lombardino: Designating the observance of National Police Memorial Day.

S.R. 553 - By Senator Ogg: Extending welcome to Dora Ann Russell.

S.R. 554 - By Senator Mengden: Extending congratulations to J. S. Norman, Jr.

S.R. 556 - By Senator Clower: Extending welcome to Mrs. Joe Cannon, Mrs. Barnett Cannon, Mrs. Bobby Reed, and Mrs. Holloway Martin.

S.R. 557 - By Senator Schwartz: Extending congratulations to Harry Pransky.

S.R. 558 - By Senator Doggett: Extending congratulations to Mrs. Virgie Mae DeWitty.

RECESS

On motion of Senator Aikin the Senate at 5:17 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(May 14, 1975)

S.B. 179
S.B. 208
S.B. 273
S.B. 283
S.B. 326
S.B. 327
S.B. 329
S.B. 363
S.B. 374
S.B. 444
S.B. 455
S.B. 456
S.B. 471
S.B. 498
S.B. 547
S.B. 553
S.B. 587
S.B. 604
S.B. 608
S.B. 717
S.B. 724
S.B. 728
S.B. 751
S.B. 789
S.B. 1041

SEVENTY-THIRD DAY

(Continued)

(Thursday, May 15, 1975)

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Adams.

LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

**INTERGOVERNMENTAL RELATIONS COMMITTEE
GRANTED PERMISSION TO MEET WHILE SENATE IN SESSION**

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in session.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 170**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

C.S.S.B. 171 (Harris)(30-0)(30-0)

C.S.S.B. 190 (Ogg)(30-0)(30-0)

S.B. 581 (Clower)(27-3) Jones, Sherman, Meier "Nay" (27-3) Jones, Sherman, Meier "Nay"

S.B. 658 (Adams)(30-0)(30-0)

S.B. 856 (Traeger)(30-0)(30-0)

S.B. 861 (Hance)(29-1) Sherman "Nay" (29-1) Sherman "Nay"

C.S.S.B. 992 (Adams)(30-0)(30-0)

C.S.S.B. 1034 (Mauzy)(30-0)(30-0)

C.S.S.B. 1047 (McKinnon)(25-5) Jones, Meier, Sherman, Patman, Mengden "Nay" (25-5) Jones, Meier, Sherman, Patman, Mengden "Nay"

S.B. 1065 (Patman)(30-0)(30-0)

S.B. 1076 (Adams)(30-0)(30-0)

S.B. 1079 (Longoria)(30-0)(30-0)

S.B. 1088 (Schwartz)(30-0)(30-0)

S.B. 1089 (Traeger)(30-0)(30-0)

C.S.H.B. 46 (Braecklein)(30-0)(30-0)

H.B. 208 (Harris)(29-1) Meier "Nay" (29-1) Meier "Nay"

C.S.H.B. 321 (Traeger)(29-1) McKinnon "Nay" (29-1) McKinnon "Nay"

H.B. 329 (Traeger)(30-0)(30-0)

H.B. 333 (Patman)(30-0)(30-0)
H.B. 340 (Andujar)(30-0)(30-0)
H.B. 592 (Aikin)(30-0)(30-0)
H.B. 707 (Adams)(30-0)(30-0)
H.B. 810 (Gammage)(29-1) McKinnon "Nay" (29-1) McKinnon "Nay"
H.B. 830 (Ogg)(30-0)(30-0)
H.B. 860 (Schwartz)(30-0)(30-0)
H.B. 920 (Schwartz)(30-0)(30-0)
H.B. 951 (Sherman)(30-0)(30-0)
H.B. 987 (Hance)(30-0)(30-0)
H.B. 1037 (Aikin)(30-0)(30-0)
H.B. 1364 (Lombardino)(30-0)(30-0)
H.B. 1567 (Braecklein)(30-0)(30-0)
H.B. 1636 (Meier)(30-0)(30-0)
H.B. 1637 (Creighton)(30-0)(30-0)
H.B. 1743 (Jones)(30-0)(30-0)
H.B. 1931 (Moore)(30-0)(30-0)
H.B. 1941 (Traeger)(30-0)(30-0)
H.B. 2095 (Harrington)(30-0)(30-0)
H.B. 2122 (Adams)(30-0)(30-0)
H.B. 2150 (Creighton)(30-0)(30-0)
H.B. 2165 (Sherman)(30-0)(30-0)
H.B. 2209 (Patman)(30-0)(30-0)
H.C.R. 98 (Sherman)(vv) Adams "Nay"
H.C.R. 130 (McKnight)(vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

S.B. 434(Ogg)--

Senator Ogg offered the following amendment to the bill:

Amend Section 1 of **S.B. 434** by adding a Subsection (d) to Section 54.006 of the Texas Education Code to read as follows:

"An institution of higher education may assess up to 5% of the refund made as a matriculation fee if the student withdraws from class before the first week of the semester."

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 504(Hance)--

Senator Hance offered the following Committee Amendment to the bill:

Amend **S.B. 504** by adding to Section 1 the following subsection:

"b. All Agencies, Boards, Commissions, Departments, and Institutions are authorized to establish a 'Revolving Petty Cash Fund' out of Funds in the State Treasury or local funds in accordance with Section 4, Subsection g of this Act. The sole purpose of the Petty Cash Fund shall be to advance projected travel expense. This fund shall be reimbursed by warrants drawn and approved by the Comptroller of Public Accounts out of funds in the State Treasury or checks drawn against funds held outside the Treasury."

The Committee Amendment was read and was adopted.

Senator Hance offered the following Committee Amendment to the bill:

Amend **S.B. 504** on page 1, line 4, by inserting between "duties;" and "amending" the following language:

"establishing a 'Revolving Petty Cash Fund';".

The Committee Amendment was read and was adopted.

On motion of Senator Hance and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (28-2) Meier, Sherman "Nay" (28-2) Meier, Sherman "Nay"

S.B. 748(Doggett)--

Senator Doggett offered the following Committee Amendment to the bill:

Amend **S.B. 748** by striking all below the enacting clause and substituting the following:

Section 1. Title 122, Revised Civil Statutes of Texas, 1925, is amended by adding Article 7150i to read as follows:

"Article 7150i. EXEMPTION OF HISTORIC SITES.

"Section 1. The governing body of any political subdivision of this state that levies property taxes may exempt from property taxation part or all of the value of a structure, and the land necessary for access and use thereof, if the structure is:

"(1) designated as a Recorded Historic Landmark by the Texas Historical Commission; or

"(2) designated as a historically significant site that is in need of tax relief to encourage its preservation under an ordinance adopted by the governing body of the taxing unit."

Sec. 2. This Act takes effect on the adoption of the Constitutional Amendment proposed in Section V of Senate Joint Resolution 11 as adopted by the 64th Legislature, Regular Session.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 870(Doggett)—

Senator Doggett offered the following Committee Amendment to the bill:

Amend S.B. 870 by striking Section 3 and substituting in lieu thereof the following:

Section 3. Section 13, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. The department is authorized to apply for, contract for, receive, and expend for its purposes any appropriations or grants from the State of Texas, the federal government, or any other source, public or private.

"In order to accomplish the purposes of this Article, the director is authorized and empowered to enter into agreements with federal agencies, other State agencies, local governments, or other public or private agencies, or individuals. Other State agencies pursuant to agreement with the department may receive funds from the department out of available federal grants, in order to carry out programs intended by such federal grants, as though the receiving State agency had been the initial recipient of such federal grant."

The Committee Amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 926(Gammage)—

Senator Gammage offered the following Committee Amendment to the bill:

Amend the caption of S.B. 926 by striking "Section 13" and substituting "Section 14".

The Committee Amendment was read and was adopted.

Senator Gammage offered the following Committee Amendment to the bill:

Amend Section 2 of **S.B. 926** by striking "Section 13" and substituting "Section 14"

The Committee Amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 1040(Brooks)--

Senator Brooks offered the following Committee Amendment to the bill:

Amend Subsection 10(e) of Section 1 of **S.B. 1040** by inserting the words "per month" after the figure "\$1.00" where it appears in the first sentence of the subsection.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 1044(Sherman)--

Senator Sherman offered the following Committee Amendment to the bill:

Amend **S.B. 1044**, as introduced, by inserting the following sentence on page 2, line 11, after the period:

"The total principal of bonds outstanding and unpaid may not exceed \$7,500,000."

The Committee Amendment was read and was adopted.

Senator Sherman offered the following Committee Amendment to the bill:

Amend **S.B. 1044**, as introduced, by inserting the following sentence on page 4, line 21, after the period:

"The tax levied may not exceed the tax limitation set forth in Article IX, Section 5, of the Texas Constitution."

The Committee Amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

S.B. 1067(Creighton)--

Senator Creighton offered the following Committee Amendment to the bill:

Amend **S.B. 1067**, page 2, line 21, by striking the first sentence of same and substituting in lieu thereof the following:

"(4) To appoint to the staff such physicians and to employ such technicians, nurses, and other employees of every kind and character as may be deemed necessary for the efficient operation of the District."

The Committee Amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

H.B. 224(Traeger)--

Senator Traeger offered the following amendment to the bill:

Amend **H.B. 224** by adding at page 90, Section 138(b) "Complaints of Wrongs" at line 20, after the words "with a competent" the word "private" so that the last phrase of that Section shall read "shall contract with a competent private attorney to conduct such representation"; and deleting Section 138(e).

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

H.B. 2195(Traeger)--

Senator Traeger offered the following Committee Amendment to the bill:

Amend **H.B. 2195** by striking in its entirety Section 1 and substituting in lieu thereof the following:

"Section 1. Section (N), Article 20.04, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(N) Animal Life; Feed; Seeds; Plants; Fertilizer. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of:

"(1) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Horses, mules and work animals.

"(2) Feed for farm and ranch animals and for animals which are held for sale in the regular course of business.

"(3) Seeds and annual plants the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business.

"(4) Fungicides, insecticides, herbicides, defoliants and desiccants exclusively used or employed on farms or ranches in the production of food for human consumption, feed for any form of animal life, or other agricultural products to be sold in the regular course of business.

"(5) Fertilizer.

"(6) Machinery or equipment exclusively used or employed on farms or ranches in the production of food for human consumption, production of grass, the building or maintaining of roads and water facilities, feed for any form of animal life, or other agricultural products to be sold in the regular course of business, and machinery, equipment and gooseneck trailers exclusively used in the processing, packing, or marketing of agricultural products by the original producer at a location operated by the original producer exclusively for processing, packing, or marketing his own products."

The Committee Amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)